

REMARKS

These remarks respond to the Office Action mailed December 21, 2006. Claims 1-47 are pending in the application. Claim 15 is amended to correct a spelling error pointed out by the Examiner. Claims 5, 15, 28, and 47 are amended to revise their dependencies.

In the Office Action, the Examiner rejected Claims 1-47 as being anticipated under 35 U.S.C. § 102 by U.S. Patent Application Publication No. 2004/0193489 to Boyd. For the reasons set forth below, this rejection is respectfully traversed.

Boyd is directed to a system for online tracking and redeeming of points that were earned offline. Boyd functions by placing codes on items purchased offline, such as candy wrappers or soda cans, and then allowing users to access a website and enter the codes to earn points. The points can be redeemed for items from an online store.

Independent claim 1 of the present application is distinguishable over Boyd. Claim 1 recites "a distributed computer system for the establishment of a marketplace for branded promotional values issued by at least two businesses and being awarded to at least two consumers." The system is adapted for "communicating with mobile communications devices associated with said at least two consumers." For example, as described in paragraph 0098 of the specification, "the invention can be used with mobile devices in the form of personal-digital assistants (PDAs), so-called communicators, handheld portable computers connecting to a mobile network, and similar devices." Accordingly, the system of claim 1 allows consumers to easily communicate with businesses without having to locate a computer.

Boyd does not disclose a system that communicates with a mobile communications device. The users in Boyd connect to the network using client computer stations, which are "complete with

a computer, keyboard, mouse, monitor and appropriate modem/bus/network interface." (See, e.g., Boyd [0091]). Indeed, Boyd states that these client computer stations are "usually operated out of private residences, small offices, or even large corporate offices." (Id. [0091] 11.1-3). There is nothing in Boyd to suggest that a user may employ a "mobile communications device" which would allow the user to communicate with the system at any location, indoors or outdoors. Thus, Boyd fails to disclose or suggest all of the elements of claim 1.

Moreover, claim 1 recites "a persistent storage node arranged for storing data related to said promotional values." In the present application, "promotional values" refers to values "provided by a business participating in a promotional program based on the invention." (Id. [0089] 11.1-3). The computer system of claim 1 facilitates transactions between consumers and vendors through the use of "branded promotional values." The advantages of using "branded promotional values" are discussed in detail in the specification at, for example, [0074]-[0080]. By contrast, Boyd discloses a system that merely tracks consumer purchases and points earned by users for each transaction. (Id. [0107]). Thus, Boyd does not disclose the use of branded promotional values and cannot realize the advantages of Applicants' invention.

Independent claim 16 is directed to a method for the establishment of a marketplace of "branded promotional values" comprising, among other steps, "storing data related to said promotional values" and "transmitting information... by communicating... with mobile communications devices." Since Boyd fails to disclose any "branded promotional values" or "mobile communications devices" as discussed above in connection with claim 1, Boyd fails to disclose or suggest all of the elements of independent claim 16.

Independent claim 29 of the present application also discloses a method of facilitating marketing activities comprising, among other steps, "transmitting data related to [branded] promotional values to and from mobile communication devices." As discussed above, Boyd does not disclose these elements.

Applicants designate the dependent claims as patentable at least by virtue of their ultimate dependence on the patentable independent claims, discussed above.

For the above reasons, Applicants believe that the pending claims are in condition for immediate allowance. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he may have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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